

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EDUARDO TREVINO
TDCJ-CID #926058

v.

ERNEST GUTIERREZ, ET AL.

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C.A. NO. C-09-155

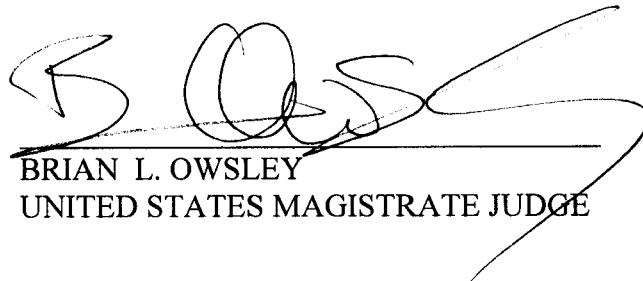
OPINION DENYING PLAINTIFF'S MOTION TO RECONSIDER

Plaintiff is an inmate in the Texas Department of Criminal Justice, Correctional Institutions Division, and is currently incarcerated at the McConnell Unit in Beeville, Texas. Proceeding pro se, he filed a civil rights action pursuant to 42 U.S.C. § 1983. (D.E. 1). Pending is his motion to reconsider plaintiff's motion for appointment of counsel. (D.E. 103). He also requests a hearing regarding his motion.

On December 2, 2009, plaintiff filed his fourth motion for the appointment of counsel. (D.E. 91). That motion was denied without prejudice. (D.E. 94). He filed a timely motion to reconsider that order. In his pending motion, he asserts that reconsideration is appropriate based on his discovery disputes. (D.E. 103, at 1-2). Plaintiff filed a motion to compel. (D.E. 88). However, that motion has been resolved. It is premature to conclude that there will be a trial in this action.

Accordingly, plaintiff's motion to reconsider plaintiff's motion for appointment of counsel, (D.E. 103), is DENIED. Consequently, his request for a hearing is also DENIED.

ORDERED this 31st day of December 2009.


BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE